

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 11-20188-3

vs.

HON. GEORGE CARAM STEEH

JUSTIN BOWMAN, D-3,

Defendant.

_____ /

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION [ECF No. 428]

On October 5, 2020, the Court denied defendant Justin Bowman's motion for compassionate release from prison due to dangers posed by COVID-19 (ECF No. 409). The Court considered Bowman's medical conditions, available medical treatment, and the danger his release would pose to the community, concluding that there was not an extraordinary and compelling reason to modify his sentence. The Court also found that the section 3553(a) factors weighed against his request. On December 18, 2020, Mr. Bowman sent the Court a letter asking for reconsideration because he contracted COVID-19 and claims he is subject to "substandard health care" (ECF No. 428). The Court construed Bowman's letter as a motion for reconsideration and directed the government to file a response, including information related to Bowman's current medical condition. The

government filed a response and medical records under seal (ECF No. 431). Bowman filed a reply and several exhibits (ECF No. 441).

The Court has reviewed the submissions of both parties, including Mr. Bowman's medical records, which indicate that he tested positive for COVID-19 on December 10, 2020 and that his illness was considered "resolved" by December 21, 2020 (ECF No. 431-1 *SEALED*, PageID.5651). The medical records show Bowman's temperature, pulse and oxygen saturation were taken almost daily after he tested positive. The last date his vitals were taken was December 18, 2020, and on that date his readings were: temperature 97.4, pulse 68, and SaO2 97%. Bowman's numbers were in the normal range, and were similar on each of the previous days he was tested. (ECF No. 431-1 *SEALED*, PageID.5653-5662).

According to the medical records from December 19, 2021, Bowman "does not appear acutely ill [and] has no complaints today." (ECF No. 431-1 *SEALED*, PageID.5652). Bowman's vitals were not taken and his records indicate that was because he "refused" to be tested. Bowman takes issue with the characterization that he refused to be tested. He explains that Robin Golden, a member of the medical staff, addressed all the inmates in the room, asking if everyone was OK. By answering in the affirmative, Bowman was considered to have refused any further tests.

This account is confirmed by a communication between Bowman and Ms. Golden that is attached to Bowman's reply. (ECF No. 441, PageID.5782). Even with this clarification that Bowman never refused treatment or care for Covid-19, the records show he received health care during his infection period and he recovered.

The other factors previously considered by the Court remain unchanged. A "court will not grant motions for . . . reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E. D. Mich. LR 7.1(h)(3).

For these reasons, defendant's motion for reconsideration [ECF No. 428] is DENIED.

Dated: March 24, 2021

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 24, 2021, by electronic and/or ordinary mail and also on Justin Bowman, 47230-039, FCI Loretto, Federal Correctional Institution, P.O. Box 1000, Cresson, PA 16630.

s/B. Sauve
Deputy Clerk